



1 Marjorie L. Hauf, Esq.  
Nevada Bar No.: 8111  
Matthew G. Pfau, Esq.  
2 Nevada Bar No.: 11439  
Bre'Ahn Brooks, Esq.  
3 Nevada Bar No.: 15672  
H&P LAW  
4 710 S 9th Street  
Las Vegas, NV 89101  
5 702 598 4529 TEL  
702 598 3626 FAX  
6 mhauf@courtroomproven.com  
mpfau@courtroomproven.com  
7 bbrooks@courtroomproven.com  
8 *Attorneys for Plaintiff,*  
*Jeffery Johnson*

9  
10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 \* \* \*

13 **JEFFERY JOHNSON,**

14 Plaintiff,  
vs.

15 **USAA CASUALTY INSURANCE COMPANY;**  
16 DOES 1 through 10, inclusive; and ROE  
17 CORPORATIONS 1 through 10, inclusive,

18 Defendants  
19

Case No.: 2:22-cv-00532- JCM-DJA

**Stipulation and Order to Extend  
Discovery (Third Request)**

20 Pursuant to Fed R. Civ. P. 6, Fed. R. Civ. P. 26, LR IA 6-1, LR IA 6-2, LR 7-1, and LR  
21 26-4, the parties, by and through their respective counsel of record, stipulate and  
22 agree that there is good cause to extend the discovery deadlines in the operative  
23 discovery plan [ECF No.57], as set forth below.  
24  
25  
26  
27  
28



**A. Pursuant to LR 26-4(a), the parties stipulate that the following discovery was completed:**

1. The parties have served initial disclosures pursuant to FRCP 26(a)(1);
2. Plaintiff has propounded written discovery on Defendants;
3. Defendants have propounded written discovery on Plaintiff;
4. Plaintiff has answered written discovery requests;
5. Defendants have answered written discovery requests;

**B. Pursuant to LR 26-4(b), the parties stipulate that they need to complete the following discovery:**

1. Deposition of Defendants.
2. Deposition of percipient witnesses.
3. Initial and Rebuttal Expert Disclosures.
4. Deposition of Defendant's FRCP 30(b)(6) witnesses and/or employees.
5. Depositions of Plaintiff's medical providers.
6. Depositions of each party's respective experts;
7. Additional Written Discovery; and
8. Any other discovery that may become necessary upon completion of the discovery above.

**C. Pursuant to LR 26-4(c), the parties stipulate an extension is needed for the following reasons:**

The parties have been diligent in conducting discovery thus far. Notwithstanding this fact, there have been several impediments to completing the necessary discovery within the current discovery period.

First, Plaintiff unilaterally set the depositions of two of Defendant's employees



1 Mira Kilpatrick and Claire Lammerding. Following proper service of these deposition  
2 notices, Defendant advised that they were not available on the dates set for the  
3 depositions. Defendant is currently in the process of confirming availability for both  
4 witnesses so that those depositions may be reset. Defendant's counsel has also had  
5 severely limited availability due to being out on maternity leave. Defendant's counsel  
6 will be back in the office the first part of May.

7 Second, Plaintiff also noticed the deposition of the FRCP 30(b)(6) witness for  
8 Defendant. However, because the parties could not come to an agreement about  
9 the topics outlined in the deposition notice, Defendant filed a Motion for Protective  
10 Order regarding that deposition. That motion is not yet fully briefed and has not  
11 been decided by the Court.

12 Plaintiff requires the depositions of the Defendant employees as well as the FRCP  
13 30(b)(6) witness for Defendant in advance of the parties initial expert disclosure  
14 deadline.

15 Third, Plaintiff served written discovery, and has requested supplemental  
16 responses to those requests. Defendant's supplemental responses are now due no  
17 later than April 24, 2023.

18 Plaintiff also needs defendant's supplemental responses to written discovery in  
19 advance of the parties initial expert disclosure deadline.

20 Lastly, Defendant has filed a motion to compel a FRCP 35 examination, which also  
21 has not yet been heard. Defendant cannot move forward with expert discovery  
22 without a determination on the motion to compel. Based on the outstanding  
23 discovery still needed and the pending motions before the Court, there is good cause  
24 to extend the discovery deadlines ninety (90) days.



**D. Pursuant to LR 26-4(d), the parties stipulate to the following proposed schedule for completing all remaining discovery:**

The parties agree to extend all the discovery deadlines in this case by ninety (90) days, as set forth below:

1. Extend the discovery cut-off deadline from 6/30/23 to 9/28/23;
2. Extend the deadline to amend the pleadings and add parties from 9/1/2022 to CLOSED;
3. Extend the date for initial expert disclosures from 5/18/23 to 8/16/23;
4. Extend the date to disclose rebuttal expert witnesses from 6/20/23 to 9/18/23;
5. Extend the date to file dispositive motions from 7/3/23 to 10/2/23; and
6. Extend the date to file the Joint Pre-Trial Order from 8/28/23 to 11/27/23. If dispositive motions are filed, the joint pretrial order is due thirty (30) days from the entry of the court's ruling on the motions.
7. Fed. R. Civ. P. 26(a)(3) Disclosures must be included in the Joint Pre-Trial Order.

DATED this 21st day of April, 2023

H&P LAW

*/s/ Marjorie Hauf*

Marjorie L. Hauf, Esq.  
Nevada Bar No.: 8111  
Matthew G. Pfau, Esq.  
Nevada Bar No.: 11439  
Bre'Ahn Brooks, Esq.  
Nevada Bar No.: 15672  
710 S. 9th Street  
Las Vegas, NV 89101  
*Attorneys for Plaintiff*

DATED this 21st day of April, 2023

SPENCER FANE LLP

*/s/ Mary E. Bacon*

Mary E. Bacon, Esq.  
Nevada Bar No. 12686  
Jessica Chong, Esq.  
Nevada Bar No. 13845  
300 S. Fourth Street, Suite 950  
Las Vegas, NV 89101  
*Attorneys for USAA Casualty Insurance Company*

**Order**

IT IS HEREBY ORDERED.

Dated this 24<sup>th</sup> day of April, 2023.



DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE

